

(c) For purposes of this section, the term “person” has the same meaning given that term under section 1 of title 1.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 95-473, §2(a)(4)(E), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 104-88, title III, §307(12)–(14), Dec. 29, 1995, 109 Stat. 946.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsecs. (a) and (b), is July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-88 substituted “Board” for “Commission” in two places, “motor carrier” for “motor common carrier”, and “Board’s” for “Commission’s”.

Subsec. (b). Pub. L. 104-88, §307(14), substituted “Board” for “Commission”.

1978—Subsec. (a). Pub. L. 95-473 substituted “motor common carrier” for “motor carrier”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

CHAPTER 54—TRANSPORTATION OF MAIL BY AIR

Sec.	
5401.	Authorization.
5402.	Contracts for transportation of mail by air.
5403.	Fines.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5005 of this title.

§ 5401. Authorization

(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with part A of subtitle VII of title 49, or any order, rule, or regulation made by the Secretary of Transportation thereunder, as may be necessary for such transportation.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 772; Pub. L. 98-443, §9(g)(3), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 103-272, §5(k)(3), July 5, 1994, 108 Stat. 1375.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-272 substituted “part A of subtitle VII” for “sections 1301-1542”.

1984—Subsec. (b). Pub. L. 98-443 substituted “Secretary of Transportation” for “Civil Aeronautics Board”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 5402. Contracts for transportation of mail by air

(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points in foreign air transportation between which the carrier is authorized by the Secretary of Transportation to engage in the transportation of mail. Such contracts shall be for the transportation of at least 750 pounds of mail per flight, and no more than 5 percent, based on weight, of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Secretary of Transportation not later than 90 days before its effective date. Unless the Secretary of Transportation shall determine otherwise (under criteria prescribed by section 40101(a) of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

(b) When the Postal Service deems that the transportation of mail by aircraft is required between points in foreign air transportation between which the Secretary of Transportation has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 40109(a) and (c)–(h) and 42112 of title 49, air transportation within the provisions of part A of subtitle VII of title 49. The Postal Service shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Secretary of Transportation of an authorization under chapters 411 and 413 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

(c) If the Postal Service determines that service by certificated air carriers or combination of air carriers between any pair or pairs of points in foreign air transportation is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof for such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreement between the holder and the Postal Service. The Postal Service, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Postal Service shall cancel such a contract when the Secretary of Transportation authorizes an additional certificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

(d) The Postal Service may determine rates and contract with any air carrier for the transportation of mail by aircraft in interstate air transportation either through negotiations or competitive bidding.

(e) For purposes of this section, the terms “air carrier”, “interstate air transportation”, and “foreign air transportation” have the meanings given such terms in section 40102(a) of title 49.

(f) The authority of the Secretary of Transportation and the Postal Service under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between which the air carrier is authorized by the Secretary to engage in the transportation of mail.

(g)(1) The Postal Service, in selecting carriers of non-priority bypass mail to any point served by more than one carrier in the State of Alaska, shall, at a minimum, require that any such carrier shall—

(A) hold a certificate of public convenience and necessity issued under section 41102(a) of title 49;

(B) operate at least 3 scheduled flights each week to such point;

(C) exhibit an adherence to such scheduled flights to the best of the abilities of such carrier; and

(D) have provided scheduled service within the State of Alaska for at least 12 consecutive months with aircraft—

(i) up to 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at an applicable intra-Alaska bush service mail rate; and

(ii) over 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at the intra-Alaska mainline service mail rate.

(2) The Postal Service—

(A) may provide direct mainline non-priority bypass mail service to any bush point in the State of Alaska, without regard to paragraph (1)(B), if such service is equal to or better than interline service in cost and quality; and

(B) shall deduct the non-priority bypass mail poundage flown on direct mainline flights to bush points within the State of Alaska by any carrier, from such carrier's allocation of the total poundage of non-priority bypass mail transported to the nearest appropriate Postal Service hub point in any month.

(3)(A) The Postal Service shall determine the bypass mail bush points and hub points described under paragraph (2)(B) after consultation with the State of Alaska and the affected local communities and air carriers.

(B) Any changes in the determinations of the Postal Service under subparagraph (A) shall be made—

(i) after consultation with the State of Alaska and the affected local communities and air carriers; and

(ii) after giving 12 months public notice before any such change takes effect.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 772; Pub. L. 98-443, §9(g)(4), Oct. 4, 1984, 98 Stat. 1707; Pub. L.

100-238, title I, §137, Jan. 8, 1988, 101 Stat. 1767; Pub. L. 103-272, §4(g)(2), July 5, 1994, 108 Stat. 1364; Pub. L. 103-429, §5, Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104-52, title VI, §631(a), Nov. 19, 1995, 109 Stat. 505.)

AMENDMENTS

1995—Subsec. (f). Pub. L. 104-52, §631(a)(1), substituted “The” for “During the period beginning January 1, 1985, and ending January 1, 1999, the”.

Subsec. (g)(1)(D). Pub. L. 104-52, §631(a)(2), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “have provided scheduled service within the State of Alaska for at least 12 months before being selected as a carrier of non-priority bypass mail.”

1994—Subsec. (a). Pub. L. 103-272, §4(g)(2)(A), substituted “section 40101(a) of title 49” for “section 1302 of title 49”.

Subsec. (b). Pub. L. 103-272, §4(g)(2)(B), substituted “sections 40109(a) and (c)-(h) and 42112 of title 49” for “sections 1371(k) and 1386(b) of title 49”, “part A of subtitle VII of title 49” for “sections 1301-1542 of title 49”, and “chapters 411 and 413 of title 49” for “sections 1371-1386 of title 49”.

Subsec. (d). Pub. L. 103-272, §4(g)(2)(C), inserted “determine rates and” after “Service may” and struck out “and overseas” after “in interstate”.

Subsec. (e). Pub. L. 103-272, §4(g)(2)(D), struck out “overseas air transportation,” before “and foreign”, and substituted “section 40102(a) of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”.

Subsec. (g)(1)(A). Pub. L. 103-429 substituted “section 41102(a) of title 49” for “section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371)”.

1988—Subsec. (f). Pub. L. 100-238, §137(1), substituted “January 1, 1999” for “January 1, 1989”.

Subsec. (g). Pub. L. 100-238, §137(2), added subsec. (g).

1984—Subsec. (a). Pub. L. 98-443, §9(g)(4)(A)-(C), substituted “Secretary of Transportation” for “Civil Aeronautics Board” wherever appearing, substituted “between any of the points in foreign air transportation” for “between any of the points”, and struck out “10 percent of the domestic mail transported under any such contract or” before “5 percent”.

Subsec. (b). Pub. L. 98-443, §9(g)(4)(A), (D), substituted “Secretary of Transportation” for “Civil Aeronautics Board” wherever appearing and “required between points in foreign air transportation” for “required between points”.

Subsec. (c). Pub. L. 98-443, §9(g)(4)(A), (E), substituted “Secretary of Transportation” for “Civil Aeronautics Board” and “pairs of points in foreign air transportation is not adequate” for “pairs of points is not adequate”.

Subsecs. (d) to (f). Pub. L. 98-443, §9(g)(4)(F), added subsecs. (d) to (f).

EFFECTIVE DATE OF 1995 AMENDMENT

Section 631(b) of Pub. L. 104-52 provided that:

“(1) Subject to paragraph (2), the amendment made by subsection (a) [amending this section] shall be effective on and after August 1, 1995.

“(2) Subparagraph (D) of section 5402(g)(1) title 39, United States Code (as in effect before the amendment made under subsection (a)), shall apply to a carrier, if such carrier—

“(A) has an application pending before the Department of Transportation for approval under section 41102 or 41110(e) of title 39, [probably should be “49,”] United States Code, before August 1, 1995; and

“(B) would meet the requirements of such subparagraph if such application were approved and such certificate were purchased.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under

section 5314 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5401 of this title; title 49 sections 41901, 41902.

§ 5403. Fines

The Postal Service may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

- (1) unreasonable or unnecessary delay to mail; and
- (2) other delinquencies in the transportation of the mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

CHAPTER 56—TRANSPORTATION OF MAIL BY VESSEL

Sec.	
5601.	Sea post service.
5602.	Termination of contracts for foreign transportation.
5603.	Transportation of mail by vessel as freight or express.
5604.	Fines on ocean carriers.
5605.	Contracts for transportation of mail by vessel.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5005 of this title.

§ 5601. Sea post service

The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 5602. Termination of contracts for foreign transportation

Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

§ 5603. Transportation of mail by vessel as freight or express

The Postal Service may require that mail be transported by freight or express when—

- (1) there is no competition on a water route and the rate or compensation asked is excessive; or
- (2) no proposal is received.

A common carrier by water that fails or refuses to transport the mail when required to do so under this section shall be fined not more than \$500 for each day of refusal.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

§ 5604. Fines on ocean carriers

The Postal Service may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

- (1) unreasonable or unnecessary delay to the mails; and
- (2) other delinquencies in the transportation of mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

§ 5605. Contracts for transportation of mail by vessel

The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)